

Comments on June 6, 2013 Planning Commission Agenda

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Agenda Notice

1. Under "NOTICE TO THE PUBLIC" there are several minor errors which the Commission may wish to correct in future agendas:
 - a. Paragraph 1:
 - i. "Regular meetings of the Planning Commission are held on the Thursdays preceding the second and fourth Tuesdays of each month"
 - ii. "for public inspection in the Community Development Department, Planning Division located at ~~3300-Newport-Boulevard~~ 100 Civic Center Drive"
 - b. Paragraph 2: "not on the agenda but ~~are~~ within the subject matter jurisdiction of the Commission."
 - c. Paragraph 3: "Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs...": Since the agenda is usually released well in advance of the 72 hour limit this may not be an issue, but if it were not, it would be difficult to comply with the request to submit ADA requests *more than* 72 hours before the meeting, as that time might have passed before the agenda had been seen. And, is Leilani Brown the correct contact person for PC meetings?
2. Item No. 3 Summary: "Discussion of an amendment to ~~the~~ Section 19.68.030.H of the Subdivision Code (Title 19) to ~~revised~~ revise required findings for lot mergers and an amendment to Table 2-2 and Table 2-3 of Section 20.18.030 of the Zoning Code (Title 20) that would modify residential development standards to increase required minimum side setbacks for newly created residential lots."

Item No. 1 Minutes of May 9, 2012

General comments:

1. As mentioned in public comment at the May 9 meeting, it is good that staff is posting and archiving [audio minutes](#), because the content of the written minutes, including this set, is frequently phrased or expressed in a way that, although probably intended to be thorough, makes it very difficult, at least for me, to understand the substance of what was said.
2. In that regard, I continue to think it would be helpful to include audio timing marks in the written minutes so the relevant passage can be easily located.

Page 2, line 2 from end: "Chair Toerge felt ~~that the~~ issue of setback and how it might grow and expand has not been addressed satisfactorily."

Page 2, line 4: "He recommended limiting the floor-area-ratio, increasing setbacks on a ~~scale-basis~~ scaled basis up to five (5) feet and clearing the ambiguity."

- This is an example of how the intent of the remarks is often difficult to decipher from the written minutes. Chair Toerge (at 53m:53s in the audio recording) did *not* recommend staff "clear the ambiguity" as a separate task. Instead, he expressed his opinion that if the setback for merged lots was scaled to 10% of the resulting lot width, up to a maximum result

of 5 feet, but not less than the existing minimum setback for the neighborhood, then that rule would “clear the ambiguity” and the same rule could be applied throughout the City. One would really *not* be able to understand this from the written minutes alone.

Item No. 2 Review of Preliminary Fiscal Year 2013-2014 Capital Improvement Program (PA2007-131)

Since Measure EE (November, 2012; effective January 9, 2013) stripped the Planning Commission of its original citizen-imposed duty to “*Make recommendations to the City Council concerning proposed public works and for the clearance and rebuilding of blighted or substandard areas within the City,*” the Commission’s review, unless instructed otherwise by the City Council, now appears to be restricted to the rather mundane task of finding the projects consistent with the General Plan.

Item No. 3 Residential Lot Merger Code Amendment (PA2012-102)

1. Page 2: In the example:
 - a. I believe that in line 3 of the proposed Finding 5, the word “*not*” was intended to be deleted. The existing language contains a double negative (“***will not*** create an ... ***that is not*** compatible”). The intent seems to require a “positive” finding: “***will result in... that is*** compatible.”
 - b. In the proposed Guidance 5.c, if “*vicinity*” is being used to mean “*neighborhood*,” why not say “*neighborhood*”?
 - c. In the explanation of the intended difference between “*adjoining*” and “*adjacent*,” what does the expression “*having district boundaries ... in common*” mean? I can find no explanation of “***district boundaries***” in the Zoning Code, other than “***Zoning district boundaries***,” which does not seem to be the intent, for I can easily imagine lots along the same Zoning District boundary that are not at all close to one another.
2. Page 3: The examples seem contrary to the scaling proposal suggested by Chair Toerge at the previous meeting (see comment on Draft Minutes, above), which I think was that a 10% rule be applied to merged lots *less* than 50 feet wide (since the maximum result was to be 5 feet), rather than to lots *more* than 50 feet wide. Is there a limit to how large the calculated (and required) setback could be under these proposed rules?
3. Page 5: I don’t think I understand the discussion provided under “*Minimizing Non-conformities*.” I understand that there might be two standards based on when and how a lot was created, but I don’t see how a newly merged lot could be non-conforming if the requirements are always more stringent than the existing ones. I also don’t understand how adoption of the proposed code changes would make any existing lots non-conforming, since it would apply only to lots created by mergers approved *after* the new rules became effective.
4. Page 6: The conclusion that “*Given [the] small number of applications, this topic could best be addressed on a case by case basis*” may be the correct one, but I don’t see how it solves the original problem which, in the specific case of the Ocean Boulevard lot merger, was the City Council’s frustration with the absence of anything in the Municipal Code giving them the authority to approve the merger subject to conditions, including conditions requiring increased setbacks.